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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,724	02/06/2004	Shrinivas Ashwin	MS306987.01 / MSFTP619US	8320
27195	7590	07/28/2006	EXAMINER	
AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			FLEURANTIN, JEAN B	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/773,724

Applicant(s)

ASHWIN ET AL.

Examiner

JEAN B. FLEURANTIN

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 14-22, 24 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/01/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the application submitted on 2/6/04, in which claims 1-25 are presented for examination.

Election/Restrictions

2. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I: Claims 1-13 and 23, drawn to a computing system comprising: the MARS header is employed to synchronize execution of queries for communication between the client and the server, regardless of buffer size for the client and the server.

Species II: Claims 14-17 and 25, drawn to a method for establishing communication between a server and a client via a tabular data stream (TDS) protocol comprising: assigning a major number and a minor number to the TDS protocol based on a release date and a software version thereof; determining the major number and minor number for the client and the server.

Species III: Claims 18-20, drawn to a method for canceling a specific tabular data stream (TDS) request in a client server network comprising: sending a non severe attention signal by a client to a server; canceling the request without affecting state of a current transaction between the client and the server.

Species IV: Claims 21, drawn to a method of changing a password in a client server network comprising: specifying a new password as part of a login procedure.

Species V: Claims 22, drawn to a method for re-setting a client driver comprising: notifying the client via the attention bit of a desire to abort a current request.

Species VI: Claims 24, drawn to a computing system comprising: means for sending the query results to the client such that a current command being executed as part of the query is cancelable without dropping a connection established for the query.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in the rejection under 35 U.S.C. 103(a) of other invention,

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

During a telephone conversation with Seyed Vahid Sharifi Takieh (Reg. No. 45,828) on 7/12/06, a provisional election was made with traverse to prosecute the invention of Group I, claims 1-13 and 23. Affirmation of this election must be made by applicant in replying to this Office action. Claims 14-22 and 24-25 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 6/01/04. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

The Drawings submitted on 2/06/06 are acknowledged.

Claim Objections

Claim 5 is objected to because of the following informalities: improper dependency. Appropriate correction is required.

Claims 1-13 and 23 pending for examination.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. As in claim 13, the cited limitation "the query notification header enables development of caching layers on top of SQL server applications such that the caching layer remain transparent to the client," was not described in the specification.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-4, 11-12, 15 and 16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As set forth in MPEP 2106:

Products may be either machines, manufactures, or compositions of matter.

A *machine* is "a concrete thing, consisting of parts or of certain devices and combinations of devices." *Burr v. Duryee*, 68 U.S. (1 Wall.) 531, 570 (1863).

As per claim 1,

Claim 1, in view of the above cited MPEP section is not statutory, because "a computing system comprising a tabular data stream (TDS) protocol that comprises a multiple active result set (MARS) header, and a data field that is part of the MARS header and identifies a number of pending requests known by a client to a server, the MARS header is employed to synchronize execution of queries for communication between the client and the server, regardless of buffer size for the client and the server" does not produce any useful and tangible result.

As per claim 11,

Claim 11, in view of the above cited MPEP section is not statutory, because "a computing system comprising a server in communication with a client via a tabular data stream (TDS) protocol in a network environment; and the TDS protocol comprising a query notification header with a data field that requests updates related to a query at a time the communication is initially established" does not produce any useful and tangible result.

As per claim 23,

Claim 23, in view of the above cited MPEP section is not statutory, because "a computing system comprising means for issuing a query by a client; means for processing the query by a server; and means for sending the query results to the client such that the client and server are synchronized regardless of a buffer size of the computing system" does not produce any useful and tangible result.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-13 are rejected under 35 U.S.C.102(b) as being anticipated by U.S., Patent 5,974,416 issued to Anand et al., ("Anand").

As per claim 11, Anand discloses "a computing system" (see Fig. 1) comprising

"a server in communication with a client via a tabular data stream (TDS) protocol in a network environment" (i.e., a tabular data stream, in which a client and server connecting through a network; see col. 2, lines 3-10 and col. 4, lines 25-32 and Fig. 1); and

"the TDS protocol comprising a query notification header with a data field" (In light the specification at paragraph [0013], the purposed of querying notification header is for providing future updates. The method for tracking the updates to the format of adtg messages is disclosed by Anand col. 8, lines 12-22) "that requests updates related to a query at a time the communication is initially established" (i.e., requests data from a database, which the script or application issues a query sending across the internet (network) to the server; see col. 5, lines 15-20).

As per claim 12, Anand discloses "the query notification establishes channels and setup for the updates sent by the server to the client" (In light the specification at paragraph [0013], the purposed of querying notification header is for providing future updates. The method for tracking the updates to the format of adtg messages is disclosed by Anand col. 8, lines 12-22).

As per claim 13, in addition to claim 11, Anand discloses "the query notification header enables development of caching layers on top of SQL server applications such that the caching layer remain transparent to the client" (i.e., as the application layer, invoking to perform a database query; see col. 2, lines 44-55).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-9 and 23 are rejected under 35 U.S.C.103(a) as being unpatentable over U.S., Patent 5,974,416 issued to Anand et al., ("Anand") in view of U.S., Patent 5,412,805 issued to Jordan, II et al., ("Jordan").

As per claim 1, Anand discloses "a computing system comprising a tabular data stream (TDS) protocol" (i.e., tabular data stream protocol; see col. 2, lines 1-6) that comprises:

"a multiple active result set (MARS) header" (In light the specification at paragraph [0010], the purposed of supporting a Multiple Active Result Sets (MARS) feature, including a data field header is for identifying pending requests. The method for processing requests data from a database, which script or application issues a query sending across the internet to the server; see col. 5, lines 15-20), and

"a data field that is part of the MARS header" (In light the specification at paragraph [0010], the purposed of supporting a Multiple Active Result Sets (MARS) feature, including a data field header is for identifying pending requests. The method for processing requests data from a database, which the script or application issues a query sending across the internet to the server; see col. 5, lines 15-20) and "identifies a number of pending requests known by a client to a server" (In light the specification at paragraph [0031], the purposed of identifying pending requests is for identifying a number of requests known by a client to a server. The method for processing requests data from a database, which application issues a query sending across the internet to the server; see col. 5, lines 15-20), "the MARS header is employed to synchronize execution of queries for communication between the client and the server" (i.e., client and server, querying marshaling (synchronizing) across the internet, database interfacing application processing interface queries (the execution queries) the database system and retrieving the rows (data); see col. 7, lines 45-58).

Anand fails to explicitly disclose steps of regardless of buffer size for the client and the server. However, Jordan discloses buffer size for the client and the server (see Jordan col. 5, lines 8-17). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Anand by buffer sizing as disclosed by Jordan (see Jordan col. 6, lines 21-25 and Fig. 4). Such a modification would allow the system of Anand to provide enhancing database server, memory allocation and memory copying during the process of reconstruction a data structure (see Anand col. 1, lines 26-32), thereby improving the accuracy and the reliability of the enhanced tabular data stream protocol.

As per claim 2, Anand discloses "the TDS protocol further comprises a transaction descriptor header that enables a plurality of active transactions under a single session" (In light the specification at paragraph [0010], the purposed of supporting a Multiple Active Result Sets (MARS) feature, including a data field header is for identifying pending requests. The method for processing requests data from a database, which script or application issues a query sending across the internet to the server; see col. 5, lines 15-20).

As per claim 4, Anand discloses "the TDS protocol further comprises an environmental change event feature that is sent to the client when a transactional state of the server changes" (i.e., allowing server to apply client updates; see col. 9, lines 64-66).

As per claim 5, Anand discloses "the state of server changes when a connection is reset to another server as part of a data base mirror environment" (In light the specification at paragraph [0032], the purposed of changing state is for resetting component, which can send back information about a transaction change. The method for recreating rowsets is for updating the database is disclosed by Anand col. 7, lines 60-64 and Fig. 5).

As per claim 6, Anand discloses "the client cancels a command being currently executed via transmittal of a non severe attention signal without a connection drop of the communication" (In light the specification at paragraph [0040], the purposed of canceling (interrupting) a current command without affecting transaction by sending a non severe attention (NSA) signal is for canceling a specific request. The method for requests data from a database, which application issuing a query sending across the internet to the server, where it is interpreted by the server process; see col. 5, lines 15-20).

As per claim 7, Anand discloses "the client executes a remote procedure call on the server" (i.e., client accessing the server, querying sending call requesting execution; see col. 2, lines 22-24).

As per claim 8, Anand discloses "the client requests a connection to enlist in a distributed transaction coordinator (DTC)" (i.e., client processing requests data by issuing a query across the internet; see col. 5, lines 15-20).

As per claim 9, Anand discloses "the TDS protocol enables a change of order for parameters is for outputting from the server" (In light the specification at paragraph [0033], the purposed of changing order is for re-order component for outputting parameters. The method for ordering column ordinals (components), which identify positions in the result set (outputting parameters) is disclosed by Anand col. 21, lines 58-60), and "retrieval of parameters from an application programming interface (API) of the network environment" (i.e., application programming interface (API) providing interfaces for executing (retrieving) applications across a network; see col. 10, lines 15-17).

As per claim 23, Anand discloses "a computing system comprising means for issuing a query by a client" (i.e., client issuing a query; see col. 7, lines 46-47);

"means for processing the query by a server" (i.e., query processing (running) by the server; see col. 7, lines 48-49 and Fig. 4); and

"means for sending the query results to the client such that the client and server are synchronized" (i.e., client and server, querying marshaling (synchronizing) across the internet, database interfacing application processing interface queries (the execution queries) the database system and retrieving the rows (data); see col. 7, lines 45-58).

Anand fails to explicitly disclose steps of regardless of a buffer size of the computing system. However, Jordan discloses a buffer size the computing system (see Jordan col. 5, lines 8-17). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Anand by buffer sizing as disclosed by Jordan (see Jordan col. 6, lines 21-25 and Fig. 4). Such a modification would allow the system of Anand to provide enhancing database server (see Anand col. , line), thereby improving the accuracy and the reliability of the enhanced tabular data stream protocol.

Claims 3 and 10 are rejected under 35 U.S.C.103(a) as being unpatentable over U.S., Patent 5,974,416 issued to Anand et al., ("Anand") in view of U.S., Patent 5,412,805 issued to Jordan, II et al., ("Jordan") as applied to claims 1-2, 4-9, 11-13 and 23 above, and further in view of U.S. Pat. No. 6,356,946 issued to Clegg et al., ("Clegg").

As per claim 3, in addition to claim 1, Anand substantially discloses the subject matter of the invention, except TDS protocol supports a chunked data type within the communication data stream. However, Clegg discloses TDS protocol supports a chunked data type within the communication data stream (see Clegg col. 11, lines 26-31 and Fig. 3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Anand by TDS protocol supports a chunked data type within the communication data stream as disclosed by Clegg (see Clegg col. 15, lines 7-12). Such a modification would allow the system of Anand to provide more efficient serialization (see Clegg col. 11, lines 23-24), thereby improving the accuracy and the reliability of the enhanced tabular data stream protocol.

As per claim 10, in addition to claim 1, Anand substantially discloses the subject matter of the invention, except specifies a new password as part of a login procedure when an old password is presented. However, Clegg discloses specifies a new password as part of a login procedure when an old password is presented (see Clegg col. 14, line 25 to col. 15, line 18).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Anand by specifies a new password as part of a login procedure when an old password is presented as disclosed by Clegg (see Clegg col. 15, lines 7-12). Such a modification would allow the system of Anand to provide support for login capability negotiation (see Clegg col. 6, line 65 to col. 7, line 3), thereby improving the accuracy and the reliability of the enhanced tabular data stream protocol.

CONTACT INFORMATION

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN B. FLEURANTIN whose telephone number is 571-272-4035. The examiner can normally be reached on 7:05 to 4:35.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jean Bolte Fleurantin

Patent Examiner

Technology Center 2100

July 14, 2006